

ORDINANCE NO. R- 2015-7 **AMENDED**

82-06-34-012-015.007-027
82-06-34-012-015.008-027
TAX CODE(S): 82-06-34-011-025.001-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 2605, 2609 and 2621 Covert Avenue, Evansville, Indiana 47714.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO-WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Part of the northeast half of the southeast section 34-6-10, also known as Lots 30, 31 and 32 of Beckman Place, an unrecorded plat and Lots 23, 24, 25, 26 and 27 of Eastwood Terrace, an addition to the City of Evansville as per recorded plat.

by changing the zoning classification of the above-described real estate from R-1, R-2, C-1 and C-4 to C-4 w/UDC, and said real estate is hereby so rezoned and reclassified.

Section 2: The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4: The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on 06/11/15 at Instrument No.: 2015R00013368. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 8 day of June, 2015.

W. Sam Adams
PRESIDENT

ATTEST:

Gama Wudhorst
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the 10 day of June, 2015.

Gama Wudhorst
City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 10th day of June, 2015, at 4:30 at PM o'clock.

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Gama Wudhorst
CITY CLERK

R-2015-7

SECOND AMENDED USE AND DEVELOPMENT COMMITMENT

WHEREAS, HAROLD A. EVANS and BETH A. EVANS are the titled owners of certain real estate situated in Evansville, Vanderburgh County, Indiana, and,

WHEREAS, HAROLD EVANS has filed a Rezoning Petition for a portion of said property commonly described as 2605, 2609 and 2621 Covert Avenue, Evansville, Vanderburgh County, Indiana, which real estate is more particularly described as follows, to-wit:

Part of the northeast half of the southeast section 34-6-10, also known as Lots 30, 31 and 32 of Beckman Place, an unrecorded plat and Lots 23, 24, 25, 26 and 27 of Eastwood Terrace, an addition to the City of Evansville as per recorded plat.

WHEREAS, the Real Estate is currently classified as an Residential (R-1 and R-2) and commercial (C-1 and C-4) district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-4; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613.

NOW THEREFORE, in consideration of the foregoing, Petitioner makes the following Use and Development Commitment:

1. The use of the Real Estate shall be limited to the following C-4 uses only:

A. Retail sales allowing outside sales, display and storage as found in Evansville City Code § 18.125.140, Use Group 11,

1. Automobiles § 18.125.140(A)(2);
2. Motorcycles § 18.125.140(A)(12);
3. Trailers § 18.125.140(A)(15);
4. Trucks § 18.125.140(A)(16).

All Other uses are specifically prohibited.

2. All of the commitments and undertakings herein expressed shall be binding on the petitioner and the petitioner's heirs, legal representatives, successors and assigns and shall run in favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or other equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to

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Maria Winkler
CITY CLERK

enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 14th day of May 2015, by HAROLD EVANS and BETH EVANS, for the purposes set forth herein.



HAROLD EVANS




BETH EVANS

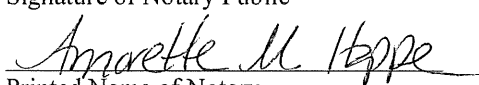
STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me the undersigned, a Notary Public for Vanderburgh County, State of Indiana, personally appeared HAROLD EVANS and he, being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 14th day of May 2015.

My Commission Expires:
October 19, 2022



Signature of Notary Public


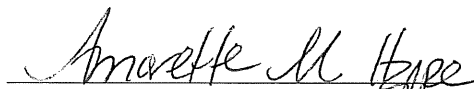
Printed Name of Notary

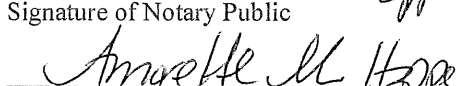
STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me the undersigned, a Notary Public for Vanderburgh County, State of Indiana, personally appeared BETH EVANS and she, being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 14th day of May 2015.

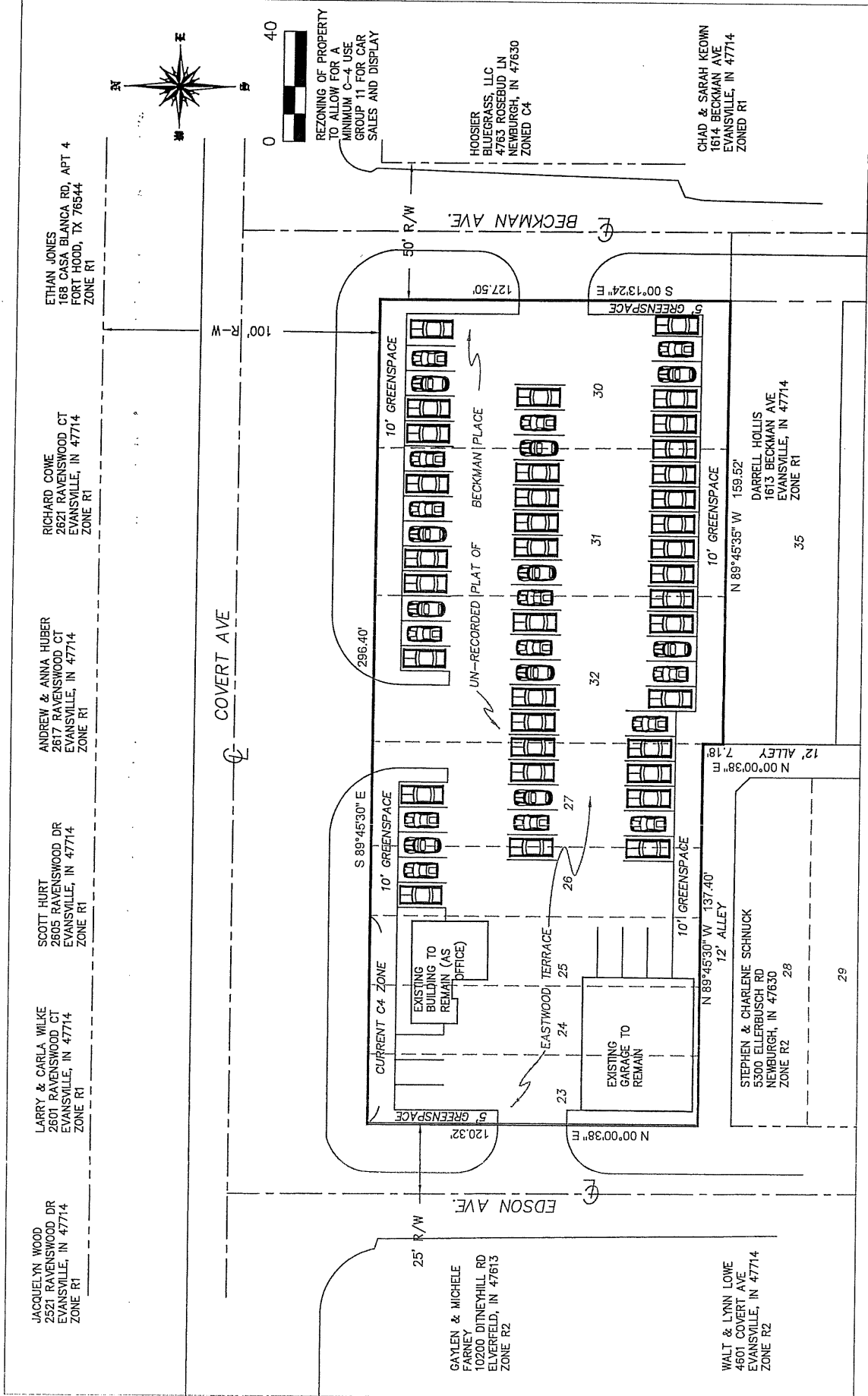
My Commission Expires:
October 19, 2022



Signature of Notary Public


Printed Name of Notary

This instrument prepared by Steven L. Bohleber, Attorney at Law, 123 N. W. Fourth Street, Suite 503, Evansville, Indiana 47708.



VERIFIED PETITION FOR REZONING

2015 - 9 -PC

ORDINANCE NO. R-

2015-7 **AMENDED**

COUNCIL DISTRICT: WARD TWO (2)

PETITIONER HAROLD EVANS PHONE 812-598-9003
 ADDRESS 1056 E. RIVERSIDE DRIVE, EVANSVILLE, IN ZIP CODE 47714
 OWNER OF RECORD HAROLD EVANS and BETH EVANS PHONE 812-598-9003
 ADDRESS c/o 1056 E. RIVERSIDE DR., EVANSVILLE, IN ZIP CODE 47714

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
2. Premises affected are on the SOUTH side of COVERT AVENUE a distance of - 0 - feet E of the corner formed by the intersection of EDSON AVENUE and COVERT AVENUE.
 Registered Neighborhood Association (if applicable) N/A

LEGAL DESCRIPTION: PT. N½ SE 34-6-10 a.k.a. LOTS 30, 31, 32, BECKMAN PLACE, URP AND SUBDIVISION EASTWOOD TERRACE BLOCK --- LOTS NO. 23, 24, 25, 26, 27
 (where applicable - If not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is 2605, 2609 AND 2621 COVERT AVENUE
4. The real estate is located in the Zone District designated as R-2, C-1^{R-1} AND C-4
5. The requested change is to (Zone District) C-4 WITH USE & DEVELOPMENT COMMITMENT
6. Present existing land use is VACANT AND UNOCCUPIED RESIDENCE AND BUILDING
7. The proposed land use is RETAIL AUTOMOBILE AND TRUCK SALES LOT
8. Utilities provided: (check all that apply)
 City Water X Electric X Gas X Storm Sewer X
 Sewer: Private Public Septic
9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above-described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 3/2/15 PETITIONER BY [Signature]
 (when signed) PRINTED NAME HAROLD EVANS

DATE 3/2/15 OWNER OF RECORD BY: [Signature]
 (when signed) PRINTED NAME HAROLD EVANS / BETH EVANS

REPRESENTATIVE FOR PETITIONER NAME STEVEN L. BOHLEBER
 (Optional) ADDRESS/ZIP 123 N.W. 4TH ST. EVANSVILLE, IN 47708
 PHONE 423-4535

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[Signature]
 CITY CLERK

S ROOSEVELT DR

TAYLOR AVE

S SAINT JAMES BLVD

RAVENSWOOD DR

RAVENSWOOD DR

S VILLAGE DR

R-4

C-2

REZONE R-1, R-2, C-1 & C-4 TO
C-4 W/USE & DEVELOPMENT

COVERT AVE

EASTWOOD AVE

EDSON AVE

BECKMAN AVE

HAWTHORNE AVE

CASS AVE

R-2

R-1

C-4

C-1

R-3